

REMARKS

Upon entry of this amendment, Claims 1-23 are pending and under consideration. Claims 1-23 are original claims. Group I has been elected, with traverse. Claims 7-9, 11-17, and 18-23 of the non-elected Group have been canceled without prejudice.

I. Restriction and Election under 35 U.S.C. 121

a. Restriction of Groups I and II.

In the June 27, 2007 Office Action, a restriction was made between the following groups:

I. Claim(s) 1-6 and 10, drawn to recombinant protein comprising a fusion between Annexin V and a Kunitz protease inhibitor and method of treatment using the protein.

II. Claim(s) 7-9, 11-17, and 18-23, drawn to DNA encoding a fusion protein between Annexin V and a Kunitz protease inhibitor, a vector, host cell, method of making a host cell.

b. Election of a Single Group from Groups I and II, with Traverse.

In response to the restriction, Applicant has elected Group I from Groups I and II, with traverse.

c. Reasons for Traverse.

Applicant respectfully traverses the restriction. According to MPEP § 803, two criteria are required for a proper restriction between possibly patentably distinct inventions. First, the inventions must be independent or distinct as claimed. Second, there must be a serious burden on the Examiner to search the invention(s).

The Applicant have elected Group I, with traverse, because the Applicant believes that Group I and Group II are related and thus would not pose a serious

burden on the Examiner to search the groups. Group I comprises a fusion protein between Annexin V and a Kunitz protease inhibitor and method of treatment using the protein. Group II is drawn to DNA encoding a fusion protein between Annexin V and a Kunitz protease inhibitor, a vector, host cell, method of making a host cell.

Applicant points out that Group II serves as a template for the protein of Group I (for example, see page 5, lines 5-6 of the specification as originally filed) and thus, it is very likely that information concerning both of these Groups will be discovered while searching the criteria of one of these Groups. For this reason, Applicant does not believe that it would pose a serious burden on the Examiner to search all Claims of both Groups I and II.

For this reason, Applicant traverses this restriction requirement and requests reconsideration and withdrawal of the present restriction requirement.

Applicant has elected Group I dealing with Claims 1-6 and 10. The Applicant has canceled Claims 7-9, 11-17, and 18-23, without prejudice.

Applicant reserves the right to file divisional Applications directed to the subject matter of the canceled Claims.

II. CONCLUSION

If the Examiner believes a telephonic interview with Applicant's representative would aid in the prosecution of this application, he is cordially invited to contact Applicant's representative at the below listed number.

Respectfully submitted,

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